

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

EUMI L. CHOI (WVBN 0722)  
Chief, Criminal Division

MONICA FERNANDEZ (CSBN 168216)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7065  
FAX: (415) 436-7234  
E-mail: [Monica.L.Fernandez@usdoj.gov](mailto:Monica.L.Fernandez@usdoj.gov)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZIBU "BOB" GAO,  
ZHICHENG ZENG,  
LI HUA MA,  
aka Lin,  
aka Lene Lam,  
RALPH FRANK PETERS,  
aka Peter,  
aka Patrick, and  
LIWEI TAN KUO,  
aka Grace Tan,  
aka Li Wei Tan,  
aka Tan Kuo Liwei,  
aka Grace Kuo,  
aka Li Wei Kuo,

Defendants.

No.: CR 05-00465-JSW

~~PROPOSED~~ ORDER EXCLUDING  
TIME UNDER THE SPEEDY TRIAL ACT

~~PROPOSED~~ ORDER EXCLUDING TIME  
UNDER THE SPEEDY TRIAL ACT  
No.: CR 05-00465-JSW

1 This matter came on the calendar of the Honorable Jeffrey S. White on January 19, 2006.  
 2 At the parties' request, the Court continued the matter until September 18, 2006 for trial. The  
 3 parties requested an exclusion of time under the Speedy Trial Act on two bases.

4 First, the parties requested an exclusion of time based upon the need for continuity of  
 5 counsel. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). All defense counsel have varying trial  
 6 schedules between January 19 and September 18. The earliest date that was available to all  
 7 defense counsel was September 18, 2006.

8 Second, due to the number of defendants and the quantity of discovery, this case is so  
 9 complex that it is unreasonable to expect adequate preparation within the time limits of the  
 10 Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

11 Therefore, the parties are requesting an exclusion of time under the Speedy Trial Act.  
 12 The parties agree that the time from January 19 through September 18, 2006 should be excluded  
 13 in computing the time within which trial must commence. See 18 U.S.C. §§ 3161(h)(1)(G),  
 14 3161(h)(8)(A) and (B)(iv).

15 Accordingly, the Court HEREBY ORDERS that the time from January 19 through  
 16 September 18, 2006 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds  
 17 that the failure to grant the requested exclusion would deny the defendants continuity of counsel.  
 18 See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that this case is so complex that it is  
 19 unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within  
 20 the time limits established by the Speedy Trial Act. See 18 U.S.C. § 3161(h)(8)(B)(ii).

21 The Court finds that the ends of justice served by granting the requested exclusion  
 22 outweigh the best interest of the public and the defendants in a speedy trial and in the prompt  
 23 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes  
 24 that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

25 SO ORDERED.

26 DATED: February 24, 2006

27   
 HONORABLE JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE

Approved as to form:

/s/ Alan Dressler  
ALAN DRESSLER  
Counsel for Defendant GAO

/s/ Tony Tamburello  
TONY TAMBURELLO  
Counsel for Defendant ZENG

/s/ Frank Bell  
FRANK BELL  
Counsel for Defendant MA

/s/ Juliana Drous  
JULIANA DROUS  
Counsel for Defendant PETERS

/s/ Monica Fernandez  
MONICA FERNANDEZ  
Assistant United States Attorney  
Counsel for the United States